

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
MISCELLANEOUS PETITION NO.58 OF 2006

The Administrator General,  
Maharashtra State ...Petitioner  
v/s  
Chhaya Paresh Ganger and anr. ...Respondents

Mr K.J. Hakani for Petitioner.  
Mr K.D. Jha for Respondent No.1.  
Mr A.S. Gadkari for Respondent No.2.

CORAM : D.K. DESHMUKH J.  
DATE : 19TH APRIL 2007.

**P.C.**

:-

1. This is a petition taken out by the Administrator General. The name of the deceased is Paresh Ratilal Ganger. There is no dispute that he has left behind him mother - respondent No.2, widow - respondent No.1 and a minor son. There is also no dispute that there is estate left behind by the deceased consisting of movable and immovable properties. The Administrator General has filed this petition because according to him, the heirs of the deceased are fighting among themselves with the result there is likelihood of the estate of the deceased being wasted and / or misappropriated. The widow - respondent No.1 has no objection to the grant of this petition in terms of prayer clauses (a), (b) and (c). The learned counsel appearing for mother - respondent No.2 does not dispute that there are serious disputes between the respondent No.1 and the respondent No.2. He also does not dispute that due to this dispute between the parties, the estate is likely to be misappropriated. His only submission is that he has received the amount from Life Insurance Corporation and he has spent it and therefore, that amount should not be recovered from the respondent No.2. Whether that amount is to be recovered from the

respondent No.2, whether the respondent No.2 only is entitled to receive the same etc. are all questions to be decided not at this stage. The basic fact on the basis of this petition is that the heirs of the deceased are fighting among themselves which may result in wastage or deterioration or misappropriation of the estate of the deceased. As there is no dispute between the parties on this, in my opinion, the opposition of the respondent No.2 has no substance. The petition by consent of respondent No.1 is granted in terms of prayer clauses (a), (b) and (c). Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

-----